



<b>United States Bankruptcy Court</b> Western District of New York										<b>Voluntary Petition</b>																							
Name of Debtor(if individual, enter Last, First, Middle): <b>Witmer, Elias J.</b>					Name of Joint Debtor (Spouse) (Last, First, Middle):																												
All Other Names used by the debtor in the last 8 years (include maiden and trade names):					All Other Names used by the joint debtor in the last 8 years (include maiden and trade names):																												
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): <b>5321</b>					Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all):																												
Street Address of Debtor (No. & Street, City and State): <b>1100 Clearvue Drive</b>					Street Address of Joint Debtor (No. & Street, City and State):																												
ZIP CODE <b>14004</b>					ZIP CODE																												
County of Residence or of the Principal Place of Business: <b>Erie</b>					County of Residence or of the Principal Place of Business:																												
Mailing Address of Debtor (if different from street address):					Mailing Address of Joint Debtor (if different from street address):																												
ZIP CODE					ZIP CODE																												
Location of Principal Assets of Business Debtor (if different from street address above):					ZIP CODE																												
<b>Type of Debtor (Form of Organization)</b> (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)  <b>Tax-Exempt Entity</b> (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code ( <i>the Internal Revenue Code</i> ).		<b>Nature of Business</b> (Check all applicable boxes) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. §101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding <input type="checkbox"/> Chapter 13  <b>Nature of Debts (check one box)</b> <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.																													
<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See See Official Form 3A. <input type="checkbox"/> Filing Fee Waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		<b>Chapter 11 Debtors</b> <b>Check one box:</b> <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. §101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. §101(51D). <b>Check if:</b> <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders of affiliates) are less than \$2,190,000.  <b>Check all applicable boxes:</b> <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors in accordance with 11 U.S.C. § 1126(b).																															
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds for distribution to unsecured creditors										THIS SPACE FOR COURT USE ONLY																							
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Estimated number of Creditors</th><th>1-49</th><th>50-99</th><th>100-199</th><th>200-999</th><th>1,000-5,000</th><th>5,001-10,000</th><th>10,001-25,000</th><th>25,001-50,000</th><th>50,001-100,000</th><th>OVER 100,000</th></tr></thead><tbody><tr><td></td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></tbody></table>												Estimated number of Creditors	1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>Voluntary Petition</b> (This page must be completed and filed in every case)		Name of Debtor(s): Witmer, Elias J.	
<b>All prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)</b>			
Location Where Filed: N/A		Case Number: N/A	Date Filed: N/A
<b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)</b>			
Name of Debtor: N/A		Case Number: N/A	Date Filed: N/A
District: N/A		Relationship: N/A	Judge: N/A
<b>Exhibit A</b> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made part of this petition.		<b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by §342(b) of the Bankruptcy Code.  <u>/s/ Edward J. Dinki</u> <u>03/13/2009</u> Signature of Attorney for Debtor(s).      Date:	
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?  <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)  <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input checked="" type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made part of this petition.			
<b>Information Regarding the Debtor-Venue</b> (Check any applicable box)  <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business, or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this district.			
<b>Statement by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes)  <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  Name of landlord that obtained judgment:  Address of landlord:  <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. & 362(1)).			



<b>Voluntary Petition</b> (This page must be completed and filed in every case)	Name of Debtor(s): Witmer, Elias J.
<b>Signatures</b>	
<b>Signature(s) of Debtor(s) (Individual/Joint)</b> I declare under penalty of perjury that the information provided in this petition is true and correct.  [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by §342(b) of the Bankruptcy Code.  I request relief in accordance with the chapter title 11, United States Code, specified in this petition. X <u>/s/ Elias J. Witmer</u> Signature of Debtor  X _____ Signature of Joint Debtor  Telephone Number (If not represented by attorney) _____ Date <u>03/13/2009</u>	<b>Signature of a Foreign Representative</b> I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.  (Check only one box.)  <input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by §1515 of title 11 are attached.  <input type="checkbox"/> Pursuant to §1511 of title 11, United States Code, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.  X _____ (Signature of Foreign Representative)  (Printed Name of Foreign Representative)  <u>03/13/2009</u> Date
<b>Signature of Attorney</b> X <u>/s/ Edward J. Dinki</u> Signature of Attorney for Debtor(s) Printed Name of Attorney for Debtor(s) Edward J. Dinki, Esq. Firm Name Nicholas, Perot, Smith, Bernhardt & Address 12364 Main Road, P.O. Box 176 Akron, New York 14001 Telephone Number (716) 542-5413 Date 03/13/2009 *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	<b>Signature of Non-Attorney Bankruptcy Petition Preparer</b> I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in U.S.C. §110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. §110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor as required in that section. Official Form 19B is attached.  Printed Name and title, if any, of Bankruptcy Petition Preparer  Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. §110.) Address  X _____ Date 03/13/2009 Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.  Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:  If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.  A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.
<b>Signature of Debtor (Corporation/Partnership)</b> I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.  X _____ Signature of Authorized Individual  Printed Name of Authorized Individual  Title of Authorized Individual  Date <u>03/13/2009</u>	

**UNITED STATES BANKRUPTCY COURT**Western **District of** New York

In re Witmer, Elias J.

Case No.

(if known)

Debtor(s)

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
CREDIT COUNSELING REQUIREMENT**

Witmer, Elias J.

**Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will any filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and may have to take extra steps to stop creditors' collection activities.**

*Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.*

☒ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*



☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.]*

**If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.**

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

**I certify under penalty of perjury that the information provided above is true and correct.**

Signature of Debtor: /s/ Elias J. Witmer

Witmer, Elias J.

Date: 03/13/2009



**STATEMENT OF FINANCIAL AFFAIRS**  
**UNITED STATES BANKRUPTCY COURT**  
Western DISTRICT OF New York

In re: Witmer, Elias J.

Debtor(s) Case No.

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. Sec. 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Questions 1-18 are to be completed by all debtors. Debtors that are or have been in business with in the last 6 years, as defined below, also must complete Questions 19-25. If the answer to any question is "None" or the question is not applicable, mark the box labeled "None". If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

**DEFINITIONS**

"In business." A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner other than a limited partner, of a partnership, a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

"Insider." The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any person in control of a corporate debtor and their relatives; affiliates or the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. §101.

NONE

**01 INCOME FROM EMPLOYMENT OR OPERATION OF BUSINESS**

State the gross amount of income the debtor has received from employment trade or profession or from operation of the debtor's business including part-time activities either as an employee or in independent trade or business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains or has maintained financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCES
9149.00	2009 YTD Income
38714.00	2008 Income
41823.00	2007 Income

NONE  
☒ X

## 02 INCOME OTHER THAN FROM EMPLOYMENT OR OPERATION OF BUSINESS

State the amount of income received by the debtor other than from employment trade profession operation of the debtor's business during the two years immediately preceeding the commencement of this case. Give particulars. If a joint petition is filed state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
☒ X

## 03A PAYMENTS TO CREDITORS

List all payments on loans installment purchases of goods or services and other debts to any creditor made within 90 days immediately preceding the commencement of this case if the aggregate value of all property that constitutes or is affected by such transfer is not less than \$600. Indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
☒ X

## 03B PAYMENTS TO CREDITORS

List each payment or other transfer to any creditor made within 90 days immediately preceding the commencement of the case if the aggregate value of all property that constitutes or is affected by such transfer is not less than \$5475. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
☒ X

## 03C PAYMENTS TO CREDITORS

List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
|X|

#### 04A SUITS AND ADMINISTRATIVE PROCEEDINGS EXECUTION GARNISHMENTS AND ATTACHMENTS

List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT	NATURE OF PROCEEDING	COURT & LOCATION	STATUS OR DISPOSITION
LVNV Funding	Garnishment	Marshal's of Buffalo City Court, 50 Delaware Avenue, Buffalo, NY 14202	
Buffalo Dental	Judgement	Buffalo City Ct.	Judgement 10/7/08

NONE  
|X|

#### 04B SUITS AND ADMINISTRATIVE PROCEEDINGS EXECUTION GARNISHMENTS AND ATTACHMENTS

Describe all property that has been attached garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
|X|

#### 05 REPOSSESSIONS FORECLOSURES AND RETURNS

List all property that has been repossessed by a creditor sold at a foreclosure sale transferred through a deed in lieu of foreclosure or returned to the seller within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
|X|

#### 06A ASSIGNMENTS AND RECEIVERSHIPS

Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)



NONE  
☒ 06B ASSIGNMENTS AND RECEIVERSHIPS

List all property which has been in the hands of a custodian receiver or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed unless spouses are separated and a joint petition is not filed.)

NONE  
☒ 07 GIFTS

List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
☒ 08 LOSSES

List all losses from fire theft other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

NONE  
☒ 09 PAYMENTS RELATED TO DEBT COUNSELING OR BANKRUPTCY

List all payments made or property transferred by or on behalf of the debtor to any persons including attorneys for consultation concerning debt consolidation relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

NONE  
☒ 10A OTHER TRANSFERS

List all other property other than property transferred in the ordinary course of the business or financial affairs of the debtor transferred either absolutely or as security within two years immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

☐ NONE  
☒ 10B OTHER TRANSFERS

List all property transferred by the debtor within ten years immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

☐ NONE  
☒ 11 CLOSED FINANCIAL ACCOUNTS

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed sold or otherwise transferred within one year immediately preceding the commencement of this case. Include checking savings or other financial accounts certificates of deposit or other instruments; shares and share accounts held in banks credit unions pension funds cooperatives associations brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

☐ NONE  
☒ 12 SAFE DEPOSIT BOX

List each safe deposit or other box or depository in which the debtor has or had securities, cash or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed unless the spouses are separated and a joint petition is not filed.)

☐ NONE  
☒ 13 SETOFFS

List all setoffs made by any creditor including a bank against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☐ NONE  
☒ 14 PROPERTY HELD FOR ANOTHER PERSON

List all property owned by another person that the debtor holds or controls.

NONE  
X

## 15 PRIOR ADDRESS OF DEBTOR

If debtor has moved within three years immediately preceding the commencement of this case list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed report also any separate address of either spouse.

NONE  
X

## 16 SPOUSES AND FORMER SPOUSES

If the debtor resides or resided in a community property state commonwealth or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within eight years immediately preceding the commencement of the case identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NONE  
X

## 17A ENVIRONMENTAL INFORMATION

List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice and if known the Environmental Law:

NONE  
X

## 17B ENVIRONMENTAL INFORMATION

List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

NONE  
X

## 17C ENVIRONMENTAL INFORMATION

List all judicial or administrative proceedings including settlements or orders under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding and the docket number.

NONE

X

#### 18A NATURE LOCATION AND NAME OF BUSINESS

If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses and beginning and ending dates of all businesses in which the debtor was an officer, director, partner or managing executive of a corporation, partner in a partnership, sole proprietor or was self-employed in a trade, profession or other activity either full-or part-time within six years immediately preceding the commencement of this case or in which the debtor owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case. List the names addresses taxpayer identification numbers nature of the businesses and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case. List the names addresses taxpayer identification numbers nature of the businesses and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the business, and beginning and ending dates of all business in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case.

NONE  
X

#### 18B NATURE LOCATION AND NAME OF BUSINESS

Identify any business listed in response to subdivision a. ,above, that is "single asset real estate" as defined in 11 U.S.C. Sec. 101.



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

## DECLARATION CONCERNING DEBTOR'S STATEMENT OF FINANCIAL AFFAIRS

### DECLARATION UNDER PENALTY OF PERJURY

(If completed by an individual or individual and spouse) I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date

Signature /s/ Elias J. Witmer  
Witmer, Elias J.

Date

Signature \_\_\_\_\_

(if joint case, both spouses must sign.)

### CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. §110)

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number  
(Required by U.S.C. §110(c)).

Address

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets confirming to the appropriate Official Form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both.*

### DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the \_\_\_\_\_ (the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership) of the \_\_\_\_\_ (corporation or partnership) named as debtor in this case, declare under penalty of perjury that I have read the foregoing statement of financial affairs, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Continuation sheets attached

Date 03/13/2009

Signature \_\_\_\_\_

(Print or type name of individual signing on behalf of debtor.)

(An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.)

PENALTY FOR MAKING A FALSE STATEMENT OR CONCEALING PROPERTY  
Fine of up to \$500,000 or imprisonment for up to 5 years or both, 18 U.S.C. §152 and 3571.



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE A - REAL PROPERTY**

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	H W J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
1100 Clearvue Drive, Alden, New York 14004 purchased in 2003 for \$105,000.00. (Countrywide Mtg. \$75k)	Fee Interest		105,000.00	76,371.00
Total ->			\$105,000.00	(Report also on Summary of Schedules)



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	W H J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
01 Cash on hand	x			
02 Checking savings or other financial accounts certificates of deposit or shares in banks savings and loan thrift building and loan and homestead associations or credit unions brokerage houses or cooperatives.		Alden State Bank Checking Account		10.00
		Alden State Bank Savings Account		10.00
03 Security Deposits with public utilities telephone companies landlords and others.	x			
04 Household goods and furnishings including audio video and computer equipment.		Various and sundry furniture, appliances and household goods located at debtor's residence.		1,500.00
05 Books; pictures and other art objects; antiques; stamp coin record tape compact disc and other collections or collectibles.	x			
06 Wearing apparel.		Various wearing apparel and costume jewelry located at debtor's residence.		1,000.00
(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules) Total ->				2,520.00

Continuation sheets attached



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	W H J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
07 Furs and jewelry.	x			
08 Firearms and sports photographic and other hobby equipment.	x			
09 Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	x			
10 Annuities. Itemize and name each issuer.	x			
11 Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1) Give particulars.(file separately the record(s) of any such interest(s). 11 U.S.C. § 521(c); Rule 1007(b)).	x			
12 Interests in IRA ERISA Keogh or other pension or profit sharing plans. Give particulars.		401K thru empolyer		2,100.00
(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules) Total ->				4,620.00

Continuation sheets attached





In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	W H J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
13 Stock and interest in incorporated and unincorporated businesses. Itemize.	x			
14 Interest in partnerships or joint ventures. Itemize.	x			
15 Government and corporate bonds and other negotiable and non-negotiable instruments.	x			
16 Accounts receivable.	x			
17 Alimony maintenance support and property settlements to which the debtor is or may be entitled. Give particulars.	x			
18 Other liquidated debts owing debtor including tax refunds. Give particulars.	x			
19 Equitable or future interests life estates and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A of Real Property.	x			
(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules) Total ->				4,620.00

Continuation sheets attached



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	W H J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
20 Contingent and non-contingent interests in estate of a decedent death benefit plan life insurance policy or trust.	x			
21 Other contingent and unliquidated claims of every nature including tax refunds counterclaims of the debtor and rights to setoff claims. Give estimated value of each.	x			
22 Patents copyrights and other general intellectual property. Give particulars.	x			
23 Licenses franchises and other general intangible. Give particulars.	x			
24 Customer lists or compilations containing personally identifiable information (as defined in 11U.S.C. §101(41A)) provided by individuals connected with obtaining product or service from the debtor primarily for personal family or household purposes.	x			
(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules) Total -> Continuation sheets attached				4,620.00



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	W H J C	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
25 Automobiles trucks trailers and other vehicles and accessories.		1996 Oldsmobile Cutlas located at debtor's residence.		1,500.00
26 Boats motors and accessories.	x			
27 Aircraft and accessories.	x			
28 Office equipment furnishings and supplies.	x			
29 Machinery fixtures equipment and supplies used in business.	x			
30 Inventory.	x			
31 Animals.	x			
32 Crops-growing or harvested. Give particulars.	x			
33 Farming equipment and implements.	x			
34 Farm supplies chemicals and feed.	x			
35 Other personal property of any kind not already listed. Itemize.	x			
(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules) Total ->				6,120.00

Continuation sheets attached



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

Debtor claims the exemptions to which debtor is entitled under:

☐ Check if debtor claims a homestead exemption that exceeds \$136,875☐ 11 U.S.C. § 522(b)(2)☒ 11 U.S.C. § 522(b)(3)

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
Various wearing apparel and costume jewelry located at debtor's residence.	Furniture Refrigerator Radio TV Crockery Tableware and Cooking Utensils	1,000.00	1,000.00
Alden State Bank Checking Account	N.Y. Debt. & Cred. Law § 283(2) Bank Deposits	10.00	10.00
1996 Oldsmobile Cutlas located at debtor's residence.	N.Y. Debt. & Cred. Law § 282(iii)(1) Motor Vehicles	2,400.00	1,500.00
Various and sundry furniture, appliances and household goods located at debtor's residence.	CPLR § 5205(a)(5) Wearing Apparel Household Furniture Refrigerator Radio TV Crockery Tableware and Cooking Utensils	1,500.00	1,500.00
Alden State Bank Savings Account	N.Y. Debt. & Cred. Law § 283(2) Bank Deposits	10.00	10.00
401K thru empolyer		2,100.00	2,100.00



In re: Witmer, Elias J.

Debtor(s) Case No.

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER (See Instructions)	CO D E B T	H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT OF LIEN	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY	C U D *
A/C #			VALUE \$ 105,000.00	76,000.00		
Countrywide Home Loans Attn: Bankruptcy Departme 400 Countrywide Way Simi Valley, CA 93065-6298			1100 Clearview Drive, Alden, New York 14004			
A/C #			VALUE \$			
A/C #			VALUE \$			
A/C #			VALUE \$			
A/C #			VALUE \$			
A/C #			VALUE \$			
A/C #			VALUE \$			
A/C #			VALUE \$			
Subtotal -> (Total of this page)				76,000.00	0.00	
Total ->				76,000.00	0.00	

Continuation Sheets attached. (use only on last page of the completed Schedule D.)

\*If contingent, enter C; if unliquidated, enter U; if disputed, enter D.

(Report total also on  
Summary of Schedules)(If applicable,  
Report also on  
Statistical Summary  
of Certain  
Liabilities and  
Related Data.)

In re: Witmer, Elias J.

<u>Debtor(s)</u>	<u>Case No.</u>
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(if known)

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPE OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**  
Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C § 507(a)(2).

☐ **Wages, salaries, and commissions**  
Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of \$10,950 per employee, earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4)

☐ **Contributions to employee benefit plans**  
Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

<input type="checkbox"/>	<p><b>Certain farmers and fishermen</b>          Claims of certain farmers and fishermen, up to a maximum of \$5400 per farmer or fisherman, against the debtor, as provided in 11 U.S.C. §507(a)(6).</p>
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☐ **Deposits by individuals**  
 Claims of individuals up to a maximum of \$2425 for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7)

☐ **Alimony, Maintenance, or Support**  
 Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**  
Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(7).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**  
 Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(8)

☐ **Claims for Death or Personal Injury While Debtor Was Intoxicated**  
 Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance 11 U.S.C. § 507(a)(10).

\*Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NO. (See Instructions)	C O D E B T	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY	C U D *
					AMT NOT ENTITLED TO PRIORITY, IF ANY	
				Total ->		
					Total ->	
Continuation Sheets attached.			Subtotal -> (Total of this page)			
(Use only on last page of the completed Schedule E. (Report total also on Summary of Schedules.)			Total ->			
(Use only on last page of the completed Schedule E.)			Total ->			



In re: Witmer, Elias J.

Debtor(s)

Case No.

(if known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER (See Instructions)	CO D E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C U D	AMOUNT OF CLAIM
Buffalo Dental Group c/o Robert Radel Esq. 88 W. Utica St. Buffalo, NY 14202			Claim incurred in 2008 for dental services		754.96
CIT BANK / DFS Attn: Bankruptcy Departm 12234 N I H 35 Bldg. B Austin, TX 78753-1705			Claim incurred 2005-2009 for the purchase of goods and/or services.		1,624.00
Capital One Bank Attn: Bankruptcy Departm P.O. Box 30281 Salt Lake City, UT 84130-			Claim incurred 2005-2009 for the purchase of goods and/or services / credit card purchases.		279.00
Citi Bank SD, NA Citi Cards CBSDNA;c/o Cit Attn: Bankruptcy Departm P.O. Box 6500 Sioux Falls, SD 57117-650			Claim incurred 1998-2009 for the purchase of goods and/or services / credit card purchases.		6,800.00
Discover Financial Discover Card Attn: Bankruptcy Departm 12 Reads Way New Castle, DE 19720-1649			Claim incurred 2005-2009 for the purchase of goods and/or services / credit card purchases.		1,854.00
GEMB / JC Penney Attn: Bankruptcy Departm P.O. Box 981402 El Paso, TX 79998-1402			Claim incurred 2005-2009 for the purchase of goods and/or services.		
<b>X</b> continuation sheets attached.					
Subtotal					\$ 11,311.96
Total					\$ 11,311.96

(Use only on last page of the completed Schedule F.)  
 (Report total also on Summary of Schedules and,  
 if applicable, on the Statistical Summary of Certain  
 Liabilities and Related Data.)



In re: Witmer, Elias J.

Debtor(s)

Case No.

(if known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER (See Instructions)	C O D E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C U D	AMOUNT OF CLAIM
GEMB Walmart Attn: Bankruptcy Departm P.O. Box 981400 C77W El Paso, TX 79998-1400			Claim incurred 2004-2009 for the purchase of goods and/or services.		
HSBC Household Bank Attn: Bankruptcy Departm 12447 SW 69th Avenue Tigard, OR 97223-8517			Claim incurred 2005-2009 for the purchase of goods and/or services.		274.00
Kay Jewelers Sterling Incorporated Attn: Bankruptcy Departm 375 Ghent Road Fairlawn, OH 44333-4601			Claim incurred 2004-2009 for the purchase of goods and/or services.		
LVNV Funding Attn: Bankruptcy Departm P.O. Box 10584 Greenville, SC 29603-0584			Claim incurred 2005-2009 for the purchase of goods and/or services.		4,978.00
Mercantile Adjustment Bur Attn: Bankruptcy Departm 6390 Main Street Williamsville, NY 14221			Claim incurred 2005-2009 for the purchase of goods and/or services.		500.00
Midland Credit Management Attn: Bankruptcy Departm 8875 Aero Drive Suite 200 San Diego, CA 921232255			Claim incurred 2005-2009 for the purchase of goods and/or services.		1,727.00
<b>X</b> continuation sheets attached.         Subtotal \$ 7,479.00					
(Use only on last page of the completed Schedule F.) (Report total also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)					Total \$ 18,790.96





In re: Witmer, Elias J.

Debtor(s)

Case No.

(if known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**
☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER (See Instructions)	COD E B T O R	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C U D	AMOUNT OF CLAIM
Overton Russell Doerr Attn: Bankruptcy Departm 19 Executive Park Drive Clifton Park, NY 12065-56			Claim incurred 2008-2009 for the purchase of goods and/or services.		50.00
Sears / CBSD Citi Cards Attn: Bankruptcy Departm 8725 W Sahara Ave. The Lakes, NV 89163-0001			Claim incurred 2005-2009 for the purchase of goods and/or services.		
Target National Bank c/o Target Credit Service Attn: Bankruptcy Departm P.O. Box 673 Minneapolis, MN 55440-067			Claim incurred 2005-2009 for the purchase of goods and/or services / credit card purchases.		431.00
USAA Savings Bank Attn: Bankruptcy Departm 10750 McDermott Freeway San Antonio, TX 78288-987			Claim incurred 1991-2009 for the purchase of goods and/or services.		623.00
United Consumer Financial Attn: Bankruptcy Departm 865 Bassett Road West Lake, OH 44145-1142			Claim incurred 2005-2009 for the purchase of goods and/or services.		
Verizon New York, Inc. Attn: Bankruptcy Departm 140 West Street New York, NY 10007			Claim incurred 2005-2009 for the purchase of goods and/or services.		172.00
			Subtotal	\$	1,276.00
			Total	\$	20,066.96

☒ continuation sheets attached.

(Use only on last page of the completed Schedule F.)  
(Report total also on Summary of Schedules and,  
if applicable, on the Statistical Summary of Certain  
Liabilities and Related Data.)

**In re:** Witmer, Elias J.

**Debtor(s)**

Case No.

(if known)

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND ACCOUNT NUMBER (See Instructions)	COD EBTOR	H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C U D	AMOUNT OF CLAIM
			Claim incurred 2005-2009 for the purchase of goods and/or services.		220.00
Wells Fargo Financial Attn: Bankruptcy Departm 1240 Office Plaza Drive West Des Moines, IA 50266					

Subtotal      \$        220.00

(Use only on last page of the completed Schedule F.)

Total                  \$     20,286.96

continuation sheets attached.

(Use only on last page of the completed Schedule F.)  
(Report total also on Summary of Schedules and,  
if applicable, on the Statistical Summary of Certain  
Liabilities and Related Data.)



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**☒ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY, STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

## SCHEDULE H - CODEBTORS

☒ Check this box if debtor has no codebtors

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

DEPENDENTS OF DEBTOR AND SPOUSE		
Debtor's Marital Status Married	RELATIONSHIP Daughter Daughter Daughter	AGE 11 5 3
<b>Employment</b>	<b>DEBTOR</b>	<b>SPOUSE</b>
Occupation Plumber Name of Employer Petschke Plumbing	House wife	
How long employed 5 years		
Address of Employer 12501 Broadway Alden, New York 14004		

INCOME: (Estimate of average monthly income at time case filed)

DEBTOR

SPOUSE

1. Current monthly gross wages, salary, and commissions (pro rate if not paid monthly.)	3116.30	
2. Estimate monthly overtime _____		
3. SUBTOTAL _____	3116.30	0.00
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security _____	484.76	
b. Insurance _____	479.89	
c. Union dues _____		
d. Other (Specify) _____		
401 K	93.49	
5. SUBTOTAL OF PAYROLL DEDUCTIONS _____	\$ 1058.14	\$ 0.00
6. TOTAL NET MONTHLY TAKE HOME PAY _____	\$ 2058.16	\$ 0.00
7. Regular income from operation of business or profession or farm (attach detailed statement) _____		
8. Income from real property _____		
9. Interest and dividends _____		
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above. _____		
11. Social security or other government assistance (Specify) _____		
12. Pension or retirement income _____		
13. Other monthly income (Specify) _____		
14. SUBTOTAL OF LINES 7 THROUGH 13		
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 2058.16	\$ 0.00
16. COMBINED AVERAGE MONTHLY INCOME (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)	\$ 2058.16	
17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:		

(Report also on Summary of Schedules and, if applicable,  
on Statistical Summary of Certain Liabilities and Related Data)



In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The monthly average income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

1. Rent or home mortgage payment (include lot rented for mobile home) \$ 950.00  
a. Are real estate taxes included? ☐ Yes ☒ No b. Is property insurance included? ☐ Yes ☒ No
2. Utilities Electricity and Heating Fuel 350.00  
b. Water and Sewer 20.00  
c. Telephone 30.00  
d. Other Cable/internet 110.00
3. Home maintenance (repairs and upkeep) 40.00  
4. Food 600.00  
5. Clothing 50.00  
6. Laundry and dry cleaning 30.00  
7. Medical and dental expenses 120.00  
8. Transportation (not including car payments) 100.00  
9. Recreation, clubs and entertainment, newspapers, magazines, etc. 25.00  
10. Charitable contributions 20.00  
11. Insurance (not deducted from wages or included in home mortgage payments)  
a. Homeowner's or renter's  
b. Life  
c. Health  
d. Auto 75.00  
e. Other
12. Taxes (not deducted from wages or included in home mortgage payments)  
(Specify)
13. Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)  
a. Auto  
b. Other  
c. Other
14. Alimony, maintenance, and support paid to others  
15. Payments for support of additional dependents not living at your home  
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)  
17. Other

18. TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ 2520.00
------------

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

**20. STATEMENT OF MONTHLY NET INCOME**

- a. Average monthly income from line 15 of Schedule I 2058.16  
b. Average monthly expenses from Line 18 above 2520.00  
c. Monthly net income (a. minus b.) -461.84

**UNITED STATES BANKRUPTCY COURT** Western**DISTRICT OF** New York

In re: Witmer, Elias J.

Debtor(s) Case No.  
Chapter**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

Name of Schedule	Attached (Yes/No)	Number of Sheets	Amounts Scheduled		
			Assets	Liabilities	Other
A - Real Property	x	1	105000.00		
B - Personal Property	x	5	6120.00		
C - Property Claimed as Exempt	x	1			
D - Creditors Holding Secured Claims	x	1		76000.00	
E - Creditors Holding Unsecured Priority Claims	x	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	x	4		20,286.96	
G - Executory Contracts and Unexpired Leases	x	1			
H - Codebtors	x	1			
I - Current Income of Individual Debtor(s)	x	1			2058.16
J - Current Expenditures of Individual Debtor(s)	x	1			2520.00
Total Number of Sheets of All Schedules		17			
Total Assets			111120.00		
Total Liabilities				96286.96	

**United States Bankruptcy Court**

Western

**District Of** New York

In re: Witmer, Elias J.

Debtor(s)

Case No.

Chapter 7

**STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11, or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ 0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ 0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	\$ 0.00
Student Loan Obligations (from Schedule F)	\$ 0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$ 0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ 0.00
<b>TOTAL</b>	<b>\$ 0.00</b>

**State the following:**

Average Income (from Schedule I Line 16)	\$ 2,058.16
Average Expenses (from Schedule J, Line 18)	\$ 2,520.00
Current Monthly Income (from Form 22A Line 12; <b>OR</b> Form 22B Line 11; <b>OR</b> , Form 22C Line 20)	\$ 3,116.30

**State the following:**

1. Total from Schedule D, "Unsecured Portion, IF ANY" column		\$ 0.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY, IF ANY" column	\$ 0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ 0.00
4. Total from Schedule F		\$ 20,286.96
5. Total from non-priority unsecured debt (sum of 1, 3, and 4)		\$ 20,286.96

**The foregoing information is for statistical purposes only under 28 U.S.C § 159.**





In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**DECLARATION CONCERNING DEBTOR'S SCHEDULES****DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief. (Total shown on summary page plus 2.)

Date \_\_\_\_\_

Signature /s/ Elias J. Witmer

Witmer, Elias J.

Debtor

Date \_\_\_\_\_

Signature \_\_\_\_\_

(Joint Debtor, if any)

(If joint case, both spouses must sign.)

**DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See U.S.C. §110.)**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. §110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. §110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Print or Type Name and Title, if any, of Bankruptcy Petition Preparer

Social Security No. (Required by 11 U.S.C. §110.)

*If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.*

Address:

X

Signature of Bankruptcy Petition Preparer

Date

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

*If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person*

**A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.**

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the \_\_\_\_\_ [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the partnership] of the \_\_\_\_\_ [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of \_\_\_\_\_ sheets, and that they are true and correct to the best of my knowledge, information, and belief.

(Total shown on summary page plus 1.)

Date \_\_\_\_\_

Signature \_\_\_\_\_

(Print or type name of individual signing on behalf of debtor.)

(An individual signing on behalf of a partnership or corporation must indicate position or relationship to debtor.)

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.



## **FORM 6. SCHEDULES**

Summary of Schedules

Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159)

Schedule A - Real Property

Schedule B - Personal Property

Schedule C - Property Claimed as Exempt

Schedule D - Creditors Holding Secured Claims

Schedule E - Creditors Holding Unsecured Priority Claims

Schedule F - Creditors Holding Unsecured Property Claims

Schedule G - Executory Contracts and Unexpired Leases

Schedule H - Codebtors

Schedule I - Current Income of Individual Debtor(s)

Schedule J - Current Expenditures of Individual Debtor(s)

Unsworn Declaration Under Penalty of Perjury

**GENERAL INSTRUCTIONS:** The first page of the debtor's schedules and the first page of any amendments thereto must contain a caption as in Form 16B. Subsequent pages should be identified with the debtor's name and case number. If the schedules are filed with the petition, the case number should be left blank.

Schedules D, E, and F have been designated for the listing of each claim only once. Even when a claim is secured only in part or entitled to priority only in part, it still should be listed only once.

A claim which is secured in whole or in part should be listed on Schedule D only, and a claim which is entitled to priority in whole or in part should be listed on Schedule E only. Do not list the same claim twice. If a creditor has more than one claim, such as claims arising from separate transactions, each claim should be scheduled separately.

Review the specific instructions for each schedule before completing the schedule.

**UNITED STATES BANKRUPTCY COURT**

Western **DISTRICT OF** New York

In re:Witmer, Elias J.

Debtor(s)

Case No.

Chapter 7

## CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

- ☒ I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
- ☐ I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.
- ☒ I intend to do the following with respect to the property of the estate which secures those consumer debts or is subject to a lease:

Description of Secured Property	Creditor's name	Property will be surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)	Other
1100 Clearvue, Alden, NY	Countrywide Mortgage		X		X	

  

Description of Leased Property	Lessor's name	Lease will be assumed pursuant to 11 U.S.C. 362(h)(1)(A)

03/13/2009      /s/ Elias J. Witmer  
Date:                      Signature of Debtor

Signature of Co-Debtor

**DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY  
PETITION PREPARER (See U.S.C. §110.)**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. §110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. §110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Print or Type Name and Title, if any, of Bankruptcy Petition Preparer

Social Security No. (Required by  
11 U.S.C. §110.)

*If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer,*

Address:

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

03/13/2009  
Date

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

*If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.*

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §1101.



3085W Stmt of Comp.:  
Rule 2016(b) (12-95)

**UNITED STATES BANKRUPTCY COURT**

Western **DISTRICT OF** New York

In re: Witmer, Elias J.

Debtor(s) Case No.

(if known)

**STATEMENT**

Pursuant to Rule 2016(b)

The undersigned, pursuant to Rule 2016(b) Bankruptcy Rules, states that:

- (1) The undersigned is the attorney for the debtor(s) in this Case.
- (2) The compensation paid or agreed to be paid by the debtor(s) to the undersigned is:
  - (a) for legal services rendered or to be rendered in contemplation of and in connection with this case \$ 1000.00
  - (b) prior to filing this statement, debtor(s) have paid \$ 1000.00
  - (c) the unpaid balance due and payable is \$ 0.00
- (3) \$ 299.00 of the filing fee in this case has been paid.
- (4) The services rendered or to be rendered include the following:
  - (a) analysis of the financial situation, and rendering advice and assistance to the debtor(s) in determining whether to file a petition under title 11 of the United States Code.
  - (b) preparation and filing of the petition, schedules, statement of affairs and other documents required by the court.
  - (c) representation of the debtor(s) at the meeting of creditors.
- (5) The source of payments made by the debtor(s) to the undersigned was from earnings, wages and compensation for services performed, and
- (6) The source of payments made by the debtor(s) to the undersigned for the unpaid balance remaining, if any, will be from earnings, wages and compensation for services performed, and
- (7) The undersigned has received no transfer, assignment or pledge of property except the following for the value stated:
- (8) The undersigned has not shared or agreed to share with any other entity, other than with members of undersigned's law firm, any compensation paid or to be paid except as follows:

Dated:

Attorney's name and address

Respectfully submitted,  
/s/ Edward J. Dinki

Attorney for Petitioner  
Edward J. Dinki, Esq.

Buffalo Dental Group  
c/o Robert Radel Esq.  
88 W. Utica St.  
Buffalo, NY 14202

CIT BANK / DFS  
Attn: Bankruptcy Department  
12234 N I H 35 Bldg. B  
Austin, TX 78753-1705

Capital One Bank  
Attn: Bankruptcy Department  
P.O. Box 30281  
Salt Lake City, UT 84130-028

Citi Bank SD, NA  
Citi Cards CBSDNA;c/o CitiCo  
Attn: Bankruptcy Department  
P.O. Box 6500  
Sioux Falls, SD 57117-6500

Countrywide Home Loans  
Attn: Bankruptcy Department  
400 Countrywide Way  
Simi Valley, CA 93065-6298

Discover Financial  
Discover Card  
Attn: Bankruptcy Department  
12 Reads Way  
New Castle, DE 19720-1649

GEMB / JC Penney  
Attn: Bankruptcy Department  
P.O. Box 981402  
El Paso, TX 79998-1402

GEMB Walmart  
Attn: Bankruptcy Department  
P.O. Box 981400  
C77W  
El Paso, TX 79998-1400

HSBC  
Household Bank  
Attn: Bankruptcy Department  
12447 SW 69th Avenue  
Tigard, OR 97223-8517

Kay Jewelers  
Sterling Incorporated  
Attn: Bankruptcy Department  
375 Ghent Road  
Fairlawn, OH 44333-4601

LVNV Funding  
Attn: Bankruptcy Department  
P.O. Box 10584  
Greenville, SC 29603-0584

Mercantile Adjustment Bureau  
Attn: Bankruptcy Department  
6390 Main Street  
Williamsville, NY 14221

Midland Credit Management  
Attn: Bankruptcy Department  
8875 Aero Drive  
Suite 200  
San Diego, CA 921232255

Overton Russell Doerr  
Attn: Bankruptcy Department  
19 Executive Park Drive  
Clifton Park, NY 12065-5631

Sears / CBSD  
Citi Cards  
Attn: Bankruptcy Department  
8725 W Sahara Ave.  
The Lakes, NV 89163-0001

Target National Bank  
c/o Target Credit Services  
Attn: Bankruptcy Department  
P.O. Box 673  
Minneapolis, MN 55440-0673

USAA Savings Bank  
Attn: Bankruptcy Department  
10750 McDermott Freeway  
San Antonio, TX 78288-9876

United Consumer Financial  
Attn: Bankruptcy Department  
865 Bassett Road  
West Lake, OH 44145-1142

Verizon New York, Inc.  
Attn: Bankruptcy Department  
140 West Street  
New York, NY 10007

Wells Fargo Financial  
Attn: Bankruptcy Department  
1240 Office Plaza Drive  
West Des Moines, IA 50266-23